IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

WP(C).No. 21796 of 2007(T)

E.A.NO.477/07 IN E.P.762/2005 IN OS.1167/2004 of PRL.M.C.,ERNAKULAM

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PETITIONER:

RADHAKRISHNAN, S/O.KRISHNAN NAIR,
THAZHIMATTATHIL HOUSE, CHOTTANIKKARA,
KURRKADU VILLAGE, REPRESENTED BY HIS GUARDIAN USHA
W/O RADHAKRISHNAN, THAZHIMATTATHIL HOUSE,
CHOTTANIKKARA KARA, KURRKADU VILLAGE.

BY ADV. SRI.JEEMON K.ABRAHAM
SRI.VINEETH KURIAKOSE

RESPONDENT:

CHERIAN, S/O KURIAKO,
EDAVAZHIKAL HOUSE,
CHOTTANIKKARA KARA, KURRKADU VILLAGE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.21796 OF 2007

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Dated this the 17th day of July, 2007

JUDGMENT

This writ petition is filed to quash Ext.P4 order passed by the Principal Munsiff's Court, Ernakulam in E.A.No.477/2007 in E.P.No.762/2005 in O.S.No.1167/2004. The petition is filed to appoint the petitioner therein as the guardian of one Radhakrishnan. In the suit there was a guardian and it was his brother. Along with the petition, they had filed two documents, Exts.P1 and P2. Ext.P1 is a medical certificate to show that Radhakrishnan Nair is a schizophrenic and Ext.P2 is produced to show that he had episode of mania. The court before finalising the matter summoned him under Order XXXII of the C.P.C., examined him and put him questions and the court was morally convinced that he is able to look after himself and therefore did not appoint a guardian. The procedure adopted by the court cannot be said to be false and it is a well-known principle that schizophrenia is an ailment which comes in lucid intervals and when that particular thing is not there the person will be perfectly alright. Therefore I find the decision at this stage does not call for any

interference. But, at the same time, being a schizophrenic, the court must be guarded and the court must have a scrutiny of his character even before he is examined or when something is to be done with him and find out whether he is in a fit stage at that point of time to defend himself or prosecute the proceedings. Though I am not interfering with the order at this stage, I direct the court below for a close watch on his character and his schizophrenic attitude in the different stages of the proceedings.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-